

Serial No. 10/812,708      REMARKS

The aforementioned deletions and insertions to the Title Page, Abstract, and the Specification are believed to be in compliance with CFR 1.121. In order to clearly set forth the amended portions of the specification, applicants have enclosed a copy with corrective markings. Please insert the entire rewritten text as it is presented, without corrective markings, in the accompanying replacement copy of the Specification.

The applicants have amended certain descriptions in the Specification with the objective of presenting a full, clear and complete description of the cultivar in order to comply with 37 CFR 1.163 and 35 U.S.C. 112 and to overcome the objections listed in the Office Action dated 09/01/2004. Specifically:

In response to the objections set forth in paragraph A of the Office Action, the Specification has been amended to correct the reference to figure 2.2 in the illustration.

In response to the objections set forth in paragraph B of the Office Action, the Specification has been amended to correct the reference to figure 2.3 in the illustration.

In response to the objections set forth in paragraph C of the Office Action, the Specification has been amended to set forth the average diameter of the peduncle and the petiole.

In response to the objections set forth in paragraph D of the Office Action, the Specification has been amended to provide a more accurate description of the petal color.

In response to the objections set forth in paragraph E of the Office Action, the Specification has been amended to provide a more accurate description of the petal color.

In response to the objections set forth in paragraph F of the Office Action, the Specification has been amended to set forth, more accurately the observed general tonality of the flower.

In response to the objections set forth in paragraph G of the Office Action, the Specification has been amended to set forth the average length of the styles.

In response to the objections set forth in paragraph H of the Office Action, the Specification has been amended to set forth the coloration of mature and juvenile thorns.

For all the reasons listed above, the applicants respectfully submit that the errors in the Specification are corrected, and that the claims comply with Section 112. The application is believed to be in condition for allowance, and notice thereof is respectfully requested.

Applicants have enclosed a statement under 37 CFR 3.73(b), which establishes evidence that the undersigned is authorized to act on behalf of the assignee, Poulsen Roser A/S.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ken Rynearson', is written over a horizontal line.

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**COPY**

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10/8/2,708

UNITED STATES PLANT PATENT APPLICATION

of

L. PERNILLE AND MOGENS N. OLESEN

for

FLORIBUNDA  
ROSE PLANT NAMED

'POULcs009'

FLORIBUNDA  
ROSE PLANT NAMED

'POULcs009'

ABSTRACT OF THE DISCLOSURE

A new garden rose plant of the floribunda class which has abundant, pink flowers and attractive foliage. This new and distinct variety has shown to be uniform and stable in the resulting generations from asexual propagation.

## SUMMARY OF THE INVENTION

### BOTANICAL CLASSIFICATION

*Rosa hybrida*

### VARIETY DENOMINATION

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'POULcs009'

The present invention constitutes a new and distinct variety of garden rose plant which originated from a controlled crossing between the female parent 'POULDrik' described and illustrated in U.S. Plant Patent No. 12,557  
10 issued on 23 April, 2002, and the male parent an unnamed seedling. The two parents were crossed during the summer of 1994 and the resulting seeds were planted in a controlled environment in Fredensborg, Denmark. The new  
15 variety is named 'POULcs009'.

The new variety may be distinguished from its female seed parent, 'POULDrik' by the following combination of characteristics:

1. While the seed parent 'POULDrik' has a  
20 flower color of Red Group 52C the same of 'POULcs009' is Red-Purple Group 65D with intonations of Red-Purple Group 64D.
2. While the seed parent 'POULDrik' has 14 to 18 petals, 'POULcs009' has 50 .
- 25 3. While the seed parent 'POULDrik' has a

flower diameter of 60mm, the same of  
'POULcs009' is 50mm.

The new variety may be distinguished from its  
5 unnamed male pollen parent by the following combination of  
characteristics:

1. The pollen parent has very pale pink  
flowers, while 'POULcs009' has medium pink  
flowers.
- 10 2. The pollen parent a low growth habit,  
ranging from 40 to 60 cm, while  
'POULcs009' has an average height of 76  
cm.
- 15 3. Flowers of 'POULcs009' have a longer  
lasting quality on the plant than those of  
the pollen parent.

The objective of the hybridization of this rose  
variety was to create a new and distinct variety for  
20 garden use with unique qualities, such as:

1. Uniform and abundant pink flowers;
2. Vigorous, but compact and even growth when  
propagated both as a budded rose and on  
its own roots;
- 25 3. Disease resistance;

4. Flower color which does not fade;
5. Well suited to normal cultural practices  
in the garden and in containers.

5           This combination of qualities is not present in  
previously available commercial cultivars of this type,  
known to the inventors, and distinguish 'POULcs009' from  
all other varieties of which we are aware.

          As part of their rose development program, L.  
10   Pernille Olesen and Mogens N. Olesen germinated the seeds  
from the aforementioned hybridization during winter of  
1994 and conducted evaluations on the resulting seedlings  
in a controlled environment in Fredensborg, Denmark.

          'POULcs009' was selected in the spring 1995 by the  
15   inventors as a single plant from the progeny of the  
aforementioned hybridization.

          Asexual reproduction of 'POULcs009' by traditional  
budding and rooted cuttings was first done by L. Pernille  
and Mogens N. Olesen in their nursery in Fredensborg,  
20   Denmark in July, 1995. This initial and other subsequent  
asexual propagations conducted in controlled environments  
have demonstrated that the characteristics of 'POULcs009'  
are true to type and are transmitted from one generation  
to the next.

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## BRIEF DESCRIPTION OF THE DRAWING

The accompanying color illustration shows as true as is reasonably possible to obtain in color photographs of this type, the typical characteristics of the buds, flowers, leaves, and stems, of 'POULcs009'. Specifically illustrated in the drawing: SHEET 1:

Fig 1.1; Open flower, stem showing open flower, branching, and the attachment of leaves, buds, and peduncles;

Fig 1.2; Flower bud closed, flower bud as sepals unfold, and partially open;

Fig 1.3; Flower petals, detached;

Specifically illustrated in SHEET 2:

Fig 2.1; Sepals, receptacle, and peduncle;

Fig 2.2; ~~Bare stems,~~ LEAVES;

Fig 2.3; ~~leaves.~~ BARE STEMS.

## DETAILED DESCRIPTION OF THE VARIETY

The following is a description of 'POULcs009', as observed in its growth in a field nursery in Jackson County, Oregon. Observed plants are 3 years of age. Color references are made using the Royal Horticultural Society



(London, England) Colour Chart, 1995, except where common terms of color are used.

For a comparison, several physical characteristics of the rose variety 'POULf1002', a rose variety from the same inventors described and illustrated in U.S. Plant Patent Application No. 10/685,543 dated October 14, 2003 are compared to 'POULcs009' in Chart 1.

CHART 1

10		POULcs009	POULf1002
	General TONAUM Tenality of Open Flower	Red-Purple Group 62C	Red Group 52 D
15	Peduncle Length	35 to 40 mm	40 to 50 mm
	Petalage	50 petals	20 to 25 petals

FLOWER AND FLOWER BUD

20      Blooming habit:      Continuous.

Flower bud:

Size:      Upon opening, 25 mm in length from  
base of receptacle to end of bud.

Bud form: Broad-based ovoid.

25      Bud color: As sepals unfold, petals are

Red-Purple Group 58D. At  $\frac{1}{4}$  opening  
petals are Red-Purple Group 58D with  
intonations of Red-Purple Group 58A.

Sepals:

5 Upper Surface:

Color: Yellow-Green Group 146B.

Texture: Moderately pubescent.

Lower Surface:

Color: Yellow-Green Group 146B.

10 Sepal Shape:

Sepal apex is cirrhose.

Base is flat at union with  
receptacle.

Sepal Margin:

15 Stipitate glands are in  
medium quantity at margins  
and lower surfaces.

Size: 23 mm (l) x 7 mm (w).

Receptacle:

20 Surface Texture: Smooth.

Shape: Funnel shaped.

Size: 9 mm (h) x 6 mm (w).

Color: Yellow-Green Group 144A.

Peduncle:

25 Surface: Smooth.

Length: ~~35 to 40~~ mm average

DIAMETER = 3.5 mm.

Color: Yellow-Green Group 144B.

Anthocyanic pigments the

color of Greyed-Red Group

178A observed.

~~Strength: Strong.~~

Borne: In clusters of 5 flower

buds per stem.

PEDICEL:-

LENGTH: 35 to 40 mm ON AVERAGE.

DIAMETER: 3 MM

Flower bloom: STRENGTH: STRONG  
TEXTURE: SOMEWHAT ROUGH WITH STIPITATE GLANDS.

Fragrance: Light floral scent.

Duration: The blooms have a duration on the plant of approximately 10 to 14 days. Afterwards, petals fall cleanly away from plant.

Size: Flower diameter is 50 mm when  
fully open. Flower depth is 35  
mm.

Form:

Flowers resemble an open cup,  
with strongly reflexed petals  
which curve outward from the  
center.

Shape of flower when viewed from the side:

Upon opening, upper part: Flat.

Upon opening, lower part: Flattened

Convex.

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Open flower, upper part: Flat.

Open flower, lower part: Flattened

Convex.

10      Petalage:      50 petals on average with 5 to 10  
petaloids.

**Color:**

Upon opening, petals:

Outermost petals:

15      Outer side:      Red-Purple Group 63D with  
marginal intonations of  
Red-Purple Group 64B to  
64C.

Inner Side:      Red-Purple Group 63C to  
Red-Purple Group 58D.

20      Innermost petals:

Outer side:      Red-Purple Group 63D with  
marginal intonations of  
Red-Purple Group 64C.

Inner Side:      Red-Purple Group 63C.

25      Upon opening, basal petal spots:

Outermost petals:

Outer side: Yellow Group 4C.

Inner Side: Yellow Group 4A.

Innermost petals:

5 Outer side: Yellow Group 4C.

Inner Side: Yellow Group 4A.

After opening, petals:

Outermost petals:

10 x Outer side: Red-Purple Group ~~65D~~ with 67 D A 20  
LIGHT STREAKING ~~intonations of Red-Purple~~  
65 D AT THE MIDDLE ZONE.  
~~Group 64D at margins.~~

Inner Side: Red-Purple Group ~~65C~~ with 62 A.  
~~intonations of Red-Purple~~  
~~Group 64D at margins.~~

15 Innermost petals:

Outer side: Red-Purple Group 67 D ~~65D~~ with LIGHT STREAKING  
~~intonations of Red-Purple~~  
65 D AT THE MIDDLE ZONE.  
~~Group 64D at margins.~~

Inner Side: Red-Purple Group ~~65C~~ with 62 A.

20 ~~intonations of Red-Purple~~  
~~Group 64D at margins.~~

After opening, basal petal spots:

Outermost petals:

Outer Side: Yellow Group 4C.

25 Inner Side: Yellow Group 4C.

Innermost petals:

Outer Side: Yellow Group 4C.

Inner Side: Yellow Group 4C.

5                    **General Tonality:**    On open flower <sup>RED</sup> ~~Red Purple~~ Group

52 B. — ~~62C.~~ No change in the general tonality at the end of the 10<sup>th</sup> day.

**Petals:**

10           Petal Reflex: Variable. Slightly to strongly  
reflexed.

Margin: Ruffled with strong undulations  
of margin observed.

Shape:                    Apex: Round.

15 Base: Acute.

Size: 40 mm (l) x 46 mm (w).

Texture: Smooth.

Thickness: Average.

Arrangement: Not Formal.

20                      Petaloids:

Quantity: 5 to 10.

Color: Upper surface is Red-Purple  
Group 73B. Lower Surface is  
Red-Purple Group 73A.

25                      Size:                      16 mm (l) x 14 mm (w).

Reproductive Organs:

Pistils:

Length: 12 mm.

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Quantity: 79.

Pollen: None observed.

Anthers:

Color: Greyed-Orange Group 167B.

10

Quantity: 101 (actual count).

Filaments:

Color: Yellow Group 3C.

Length: 8 mm.

Stigmas: Superior in location to  
the height of the anthers.

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Color: Yellow-Green Group 145D.

Styles:

Color: Yellow-Green Group 145D.

Hips: LENGTH: 10-12 mm.  
None Observed in the field nursery in  
Jackson County Oregon.

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PLANT

Plant growth: Moderate, upright to bushy. When  
grown as a budded field grown plant

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on *Rosa multiflora* understock, the average height of the plant is 76 cm and the average width is 76 cm.

**Stems:**

5                      Color:

                        Young wood:      Yellow-Green Group 146D.

                        Older wood:      Yellow-Green Group 144A.

                        Surface Texture:

                        Young wood:      Smooth.

10                      Older wood:      Rough.

**Thorns:**

                        Incidence:      2 thorns per 10 cm of stem.

                        Size:              Average length: 4 mm.

                        Color:           MATURE AND JUVENILE THORNS ARE  
   Greyed-Red Group 178A.

15                      Shape:              Concave.

**Plant foliage:**      Normal number of leaflets on  
   normal leaves in middle of the  
   stem: 7 leaflets.

20                      Compound Leaf size: 140 mm (l) x 90 mm (w).

**Color:**

**Mature Foliage:**

   Upper surface is:      Yellow-Green  
   Group 146A.

25                      Lower surface is:      Yellow-Green



Group 146B.

Juvenile foliage:

LOWER AND Upper surface ~~is~~ Yellow-Green

Group 146A to 146B WITH  
INTONATIONS OF GREYED PURPLE  
183 B.

5 ~~Lower surface is. Yellow Green~~

~~Group 146B.~~

Plant leaves and leaflets:

Stipules:

Size: 13 mm in length.

10 Margins: Average quantity of  
stipitate glands.

Color: Yellow-Green Group 144A.

Petiole:

Length: 15 to 20 mm.  
DIAMETER 2 mm.

15 Above:

Color: Yellow-Green Group 1454B.

Anthocyanin: Greyed-Red Group 182A.

Underneath: Thorns present.

Rachis:

20 Above:

Color: Yellow-Green Group 145B.

Anthocyanin: Greyed-Red Group 182A.

Underneath: Thorns present.

Leaflet:

25 Size: 50 mm (l) x 30 mm (w).

Edge: Serrated.  
Shape: Broadly ovate. Apex is  
cuspidate. Base is round.  
Texture: Rugose.  
Thickness: Thick.  
Arrangement: Odd pinnate.  
Venation: Reticulate.  
Glossiness: Very glossy.

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**Disease resistance:**

Above average resistance to mildew, rust, black spot, and Botrytis under normal growing conditions in Jackson County, Oregon.

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**Cold Hardiness:**

The variety 'POULcs009' has been found to be cold tolerant to USDA Cold Hardiness Zone 6.

CLAIM

5       A new and distinct variety of rose plant of the  
floribunda rose class, substantially as herein illustrated  
and described as a distinct and novel rose variety due to  
its abundant pink, disease resistance, and extended period  
of bloom.